

**INSTRUCTIONS FOR FILING A COMPLAINT OF VIOLATION OF RIGHTS
UNDER THE CRIME VICTIMS' RIGHTS ACT, 18 U.S.C. § 3771**

The following criteria must be met before filing a complaint under 18 U.S.C. § 3771:

1. You must be a crime victim. A crime victim is defined as a person directly and proximately harmed as a result of the commission of a federal offense. In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim's estate, family members, or any other persons appointed as suitable by the court, may assume the crime victim's rights, but in no event shall the defendant be named as such guardian or representative.
2. There must be a violation of one or more of the following rights:
 - a. The right to be reasonably protected from the accused;
 - b. The right to reasonable, accurate, and timely notice of any public court proceeding, involving the crime, or of any release or escape of the accused;
 - c. The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at the proceeding;
 - d. The right to be reasonably heard at any public proceeding in the district court involving release, plea, or sentencing;
 - e. The reasonable right to confer with the attorney for the Government in the case;
 - f. The right to full and timely restitution as provided in law;
 - g. The right to proceedings free from unreasonable delay; and
 - h. The right to be treated with fairness and with respect for the victim's dignity and privacy.

If both criteria have been met, please follow the complaint process outlined below.

1. Complaints must be submitted utilizing the official Complaint form. A copy of the form can be found on line and will also be available in hard copy at the Reception Desk in the United States Attorney's Office where the Complaint is being directed.
2. Complaints must be signed, and, therefore, cannot be submitted on line. Please mail or fax your signed Complaint to the Point of Contact (POC) indicated on the top of the form.
3. Complaints must be submitted within sixty (60) days of the Complainant's knowledge of a violation by the Department of Justice employee, but not more than one year after the actual violation.
4. An acknowledgment of the receipt of the Complaint will be mailed to the Complainant and, once the investigation is concluded and a decision as to the appropriate action to be taken is made by the Victim's Rights Ombudsman, the Complainant will be notified.